

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL LAVI,

Plaintiff,

No. C 09-3327 PJH

v.

ORDER

CITY OF FREMONT, et al.,

Defendants.

Pro se plaintiff Daniel Lavi filed the above-entitled action in the Superior Court of California, County of Alameda, on October 15, 2008, and served defendant City of Fremont with the summons and complaint on July 1, 2009. On July 21, 2009, defendants removed the case, alleging jurisdiction under 28 U.S.C. § 1331.

On July 27, 2009, defendants filed a motion to dismiss, noticed for hearing on September 2, 2009. Defendants filed a proof of service of the motion on plaintiff by mail to attorney Susan P. Grey of the law firm of Diran & Grey in San Jose, California. Because the court has no record indicating that plaintiff is proceeding other than in pro per, or that he is represented by counsel, defendants must also serve plaintiff with a copy of the motion at his address of record, and must file a proof of service to that effect.

Accordingly, the date for the hearing on the motion is hereby VACATED. Defendants shall re-notice the motion, for any Wednesday at 9:00 a.m., subject to the court's availability as indicated on the Northern District of California's website.

Plaintiff is hereby advised that under Civil Local Rule 7-3, his opposition to the motion is required to be filed no later than 21 days (three weeks) before the scheduled

1 hearing date. In addition, if plaintiff is no longer proceeding in pro per, he must file a notice
2 of substitution of counsel, showing his consent to being represented by Ms. Gray or
3 another attorney, so that the court can enter counsel's appearance in the docket.

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5 **IT IS SO ORDERED.**

6 Dated: August 21, 2009



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PHYLLIS J. HAMILTON
United States District Judge